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5/20/04

PATENT
Customer No. 22,852
Attorney Docket No. 04012.0385

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:)
)
Lukas-Laskey et al.) Group Art Unit: 1614
)
Application No. 10/721,020) Examiner: K. Weddington
)
Original Patent No. 5,760,069)
)
Original Issue Date: June 2, 1998)
)
Reissue Filed: November 25, 2003)
)
For: METHOD FOR TREATMENT FOR)
DECREASING MORTALITY)
RESULTING FROM CONGESTIVE)
HEART FAILURE)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, SB Pharmco Puerto Rico Inc., having a place of business at 105 Ponce de Leon Avenue, Hato Rey, Puerto Rico 00917, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 10/721,020, filed November 25, 2003 for METHOD FOR TREATMENT FOR DECREASING MORTALITY RESULTING FROM CONGESTIVE HEART FAILURE in the names of Lukas-Laskey *et al.*, as indicated by:

(1) assignment from the inventors Lukas-Laskey *et al.* to Boehringer Mannheim Pharmaceutical Corporation Smithkline Beecham Corporation Limited Partnership No.

1, recorded in the United States Patent and Trademark Office at Reel 007711, Frame 0668, on November 6, 1995;

(2) assignment from Boehringer Mannheim Pharmaceuticals Corporation Smithkline Beecham Corporation Limited Partnership No. 1 to Roche Therapeutics, Inc., recorded in the United States Patent and Trademark Office at Reel 013957, Frame 0660 on September 10, 2003; and

(3) assignment from Roche Therapeutics, Inc. to SB Pharmco Puerto Rico Inc., recorded in the United States Patent and Trademark Office at Reel 013974, Frame 0463, on September 16, 2003.

Assignee, SB Pharmco Puerto Rico Inc, Inc., further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent No. 5,902,821, as indicated by:

(1) assignment from the inventors Lukas-Laskey *et al.* to Boehringer Mannheim Pharmaceuticals Corporation Smith Kline Beecham Corporation Limited Partnership No. 1, recorded in the United States Patent and Trademark Office at Reel 009065, Frame 0783 on December 29, 1997;

(2) assignment from Boehringer Mannheim Pharmaceuticals Corporation Smithkline Beecham Corporation Limited Partnership No. 1 to Roche Therapeutics, Inc., recorded in the United States Patent and Trademark Office at Reel 013957, Frame 0660 on September 10, 2003; and

(3) assignment from Roche Therapeutics, Inc. to SB Pharmco Puerto Rico Inc., recorded in the United States Patent and Trademark Office at Reel 013974, Frame 0463, on September 16, 2003.

To obviate a double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 5,902,821, Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 5,902,821 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 5,902,821, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 5,902,821 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please

charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 22, 2005

By: 

Mark J. Feldstein
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